

State of South Dakota

SEVENTY-SIXTH SESSION LEGISLATIVE ASSEMBLY, 2001

654E0754

SENATE ENGROSSED NO. **HB 1247** - 02/28/2001

Introduced by: Representatives Lintz, McCoy, Napoli, Pederson (Gordon), Rhoden, and
Richter and Senators Vitter, Duxbury, Kleven, Putnam, and Reedy

1 FOR AN ACT ENTITLED, An Act to revise the requirements for volunteer firefighters to
2 become eligible for workers' compensation and to update a reference used to determine
3 impairment.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That § 62-1-5.2 be amended to read as follows:

6 62-1-5.2. Any firefighter who ~~has completed the wildland firefighter training course and is~~
7 a member of any county, municipal, special purpose district, or township fire department which
8 has on file a cooperative fire suppression agreement with the South Dakota Department of
9 Agriculture, and has been approved by the governing body for assignment to the state, is eligible
10 for workers' compensation benefits from the state if injured during a period of time commencing
11 from the time dispatched by the state forester until the time the firefighter returns to the location
12 from which the firefighter was originally dispatched by the state forester. In the event of injury
13 or death, the firefighter shall, for the purpose of computing compensation, be considered to be
14 earning a wage that would entitle that person to the maximum compensation for death or injury
15 allowable under this title; but in no event may payments to any firefighter exceed the maximum

1 limitations for benefits as set out in this title.

2 For purposes of determining compensation any remuneration received by a member who
3 voluntarily serves the department may not be considered.

4 No firefighter under this section may be deemed a state employee for any purpose other than
5 eligibility to receive workers' compensation from the state under this section.

6 Section 2. That § 62-1-1.2 be amended to read as follows:

7 62-1-1.2. For the purposes of this chapter, impairment shall be determined by a medical
8 impairment rating, expressed as a percentage to the affected body part, using the Guides to the
9 Evaluation of Permanent Impairment established by the American Medical Association, ~~fourth~~
10 fifth edition, ~~June 1993~~ November 2000.

11 Section 3. That § 62-7-39 be amended to read as follows:

12 62-7-39. An employee, employer, employer's insurer, or self-insured employer ~~shall be~~
13 ~~permitted to~~ may use the results of post-offer base line testing or a functional capacity
14 assessment, as utilized by ~~Guidelines~~ Guides to the Evaluation of Permanent Impairment
15 established by the American Medical Association, ~~fourth~~ fifth edition, ~~June 1993~~ November
16 2000, performed during the course of employment, or other medical evidence of impairment for
17 the purpose of determining permanent partial or permanent total disability compensation due to
18 an employee.